KA / BG-GPO/2515/WPP-47/2006-2008



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೧	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಆಗಸ್ಟ್ ೨೪, ೨೦೦೬ (ಭಾದ್ರಪದ ೨, ಶಕ ವರ್ಷ ೧೯೨೮)	ಸಂಚಿಕೆ ೩೪

ಭಾಗ – ೪

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು, ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 26 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 2ನೇ ಆಗಸ್ಟ್ 2006

2006ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 20ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Contempt of Courts (Amendment) Act, 2006 (No.6 of 2006) ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE CONTEMPT OF COURTS (AMENDMENT) ACT 2006

AS

ACT

further to amend the Contempt of Courts Act, 1971

BE it enacted by Parliament in the Fifty-Seventh Year of the Republic of India as follows:-

1. Short title - (1) This Act may be called the Contempt of Courts (Amendment) Act, 2006.

2. Substitution of new section for section 13- In the Contempt of Courts Act, 1971, (70 of 1971) for section 13, the following section shall be substituted, namely;

"13. Contempts not punishable in certain cases: Notwithstanding anything contained in any for the time being in force,-

(a) no court shall impose a sentence under this Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice;

(b) the court may permit, in any proceeding for contempt of court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide".

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 62

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 27 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 3ನೇ ಆಗಸ್ಟ್ 2006

2006ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 31ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 3 (1)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Constitution (Distribution of Revenues) No. 2 Order, 2006 (C.O.212) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

Notification New Delhi, the 31 st March, 2006

G.S.R. 195(E): The following Order made by the President is published for general information:

"C.O. 212"

THE CONSTITUTION (DISTRIBUTION OF REVENUES) No. 2 ORDER, 2006

In exercise of the powers conferred by clause (2) of article 275 of the Constitution, the President, after having considered the recommendations of the Twelfth Finance Commission, hereby makes the following Order, namely:

1. This Order may be called the Constitution (Distribution of Revenues) No 2 Order, 2006.

2. The General clauses Act, 1897 (10 of 1897), shall apply for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. (1) In accordance with the provisions of clause (1) of article 275, there shall be charged on the consolidated Fund of India, in the financial year commencing on the 1st day of April, 2005, as grants-in-aid of the revenues of

(a) each of the State specified in column (1) of the Table below, the sums specified against it in Column (2) of the said Table towards grants for Panchayati Raj Institutions:

Table below, the sums specified against it in column (2) of the said Table towards grants for Urban Local Bodies:

TABLE

State	Rupees in lakhs
Andhra Pradesh	31740.00
Assam	5260.00
Bihar	16240.00
Chhattisgarh	12300.00
Goa	180.00
Gujarat	9310.00
Haryana	7760.00
Himachal Pradesh	2940.00
Jammu and Kashmir	1762.00
Karnataka	8880.00
Kerala	19700.00
Madhya Pradesh	33260.00
Maharashtra	19830,00
Manipur	211.60
Mizoram	200.00
Nagaland	400.00
Orissa	16060.00
Punjab	3240.00
Rajasthan	24600.00
Sikkim	130.00
Tamil Nadu	17400.00
Uttar Pradesh	58560.00
Uttaranchal	1620.00
West Bengal	12710.00

Provided that the sums specified above shall be paid to the Panchayati Raj Institutions in the said financial year by a State Government and these sums shall be in addition to the sums flowing to the Panchayati Raj Institutions from the State Government :

Provided futher that the sums specified above shall be expended by the Panchayati Raj Institutions as per the recommendations of the Twelfth Finance Commission contained in Chapter 8 of its report and in accordance with the guidelines issued by the Central Government to the State Governments in this regard for utilisation of the grants;

(b) each of the State specified in column (1) of the Table below, the sums specified against it in column (2) of the said Table towards grants for Urban Local Bodies:-

State	Rupees in lakhs
Andhra Pradesh	3740.00
Assam	550.00
Bihar	1420.00
Chattisgarh	744.63
Gujarat	8280.00
Haryana	1820.00
Himachal Pradesh	160.00
Jammu and Kashmir	380.00
Karnataka	3230.00
Kerala	2980.00
Madhya Pradesh	7220.00
Manipur	90.00
Mizoram	100.00
Nagaland	60.00
Orissa	2080.00
Punjab	1710.00
Rajasthan	4400.00
Tamil Nadu	11440.00
Uttar Pradesh	5170.00
Uttaranchal	340.00
West Bengal	3930.00

Provided that the sums specified above shall be paid to the Urban Local Bodies in the said financial year by a State Government and these sums shall be in addition to the sums flowing to the Urban Local Bodies from the State Government :

Provided futher that the sums specified above shall be expended by the Urban Local Bodies as per the recommendations of the Twelfth Finance Commission contained in Chapter 8 of its report and in accordance with the guidelines issued by the Central Government to the State Governments in this regard for utilisation of the grants:

Provided also that unutilised grant for a particular year may be carried forward to next year.

(2) Any sum or sums payable under sub-paragraph (1) shall be in addition to any sum or sums payable to the States under each of the provisos to clause (1) of article 275.

A.P.J ABDULKALAM
President.
[F.No 19 (2)/2006-L.I]
K.N. CHATURVEDI, Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ರಿಚಾರ್ಡ್ ಲೋಬೋ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 63

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 28 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 3ನೇ ಆಗಸ್ಟ್ 2006

2006ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 31ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 3 (1)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Constitution (Distribution of Revenues) Order, 2006 (C.O.211) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

Notification New Delhi, the 31 st March, 2006

G.S.R. 194(E): The following Order made by the President is published for general information:

"C.O. 211"

THE CONSTITUTION (DISTRIBUTION OF REVENUES) ORDER, 2006

In exercise of the powers conferred by clause (2) of article 275 of the Constitution, the President, after having considered the recommendations of the Twelfth Finance Commission, hereby makes the following Order, namely:

1. This Order may be called the Constitution (Distribution of Revenues) Order, 2006.

2. The General clauses Act, 1897 (10 of 1897), shall apply for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. (1) In accordance with the provisions of clause (1) of article 275, there shall be charged on the consolidated Fund of India, in the financial year commencing on the 1st day of April, 2005, as grants-in-aid of the revenues of each of the State specified below, the sums specified against it as representing the contribution of the Central Government towards State Calamity Relief Fund for affording relief to the victims of cyclone, drought, earthquake, fire flood, tsunami, hailstorm, landslide, avalanche, cloud burst attack in the States:

	State	Rupees in lakhs
1	Andhra Pradesh	25806.00
2	Arunachal Pradesh	2123.00
3	Assam	7239.50
4	Bihar	5584.50
5	Chhattisgarh	4190.50
6	Goa	79.00
7	Gujarat	18450.00
8	Haryana	8394.80
9	Himachal Pradesh	7552.00
10	Jammu and Kashmir	6484.00
11	Jharkhand	9456.00
12	Karnataka	8600.00
13	Kerala	6413.00
14	Madhya Pradesh	19067.00
15	Maharashtra	16718.00
16	Meghalaya	423.50
17	Mizoram	247.00
18	Nagaland	143.50
19	Orissa	22616.00
20	Punjab	5476.00
21	Rajasthan	31173.00
22	Sikkim	1315.00
23	Tamil Nadu	7840.50

	State	Rupees in lakhs
24	Uttar Pradesh	22195.00
25	Uttaranchal	7102.00
26	West Bengal	17605.00

Provided that the sums specified above shall be expended in the financial year commencing on the 1st day of April, 2005 on masures for affording relief in connection with natural calamities specified above:

Provided futher that if the actual expenditure on relief measures as revealed in the accounts of this year is lower than the sums specified above, the balance shall remain available to the State Government as Part of the Calamity Relief Fund of the State.

(2) Any sum or sums payable under Sub-paragraph (1) to any State, in the financial year commencing on the 1st day of April, 2005 shall be in addition to the sum or sums payable to that State in the financial year in pursuance of sub-paragraph(1) of paragraph 3 of the Constitution (Distribution of Revenues) Order, 2005.

A.P.J ABDULKALAM
President.
[F.No 19 (1) /2006-L.I]
K.N. CHATURVEDI, Secy

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ರಿಚಾರ್ಡ್ ಲೋಬೋ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 64

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 29 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 3ನೇ ಆಗಸ್ಟ್ 2006

2006ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 31ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 3 (1)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Constitution (Distribution of Revenues) No 7 Order, 2006 (C.O.217) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

Notification New Delhi, the 31st March, 2006

G.S.R. 200(E): The following Order made by the President is published for general information:

"C.O. 217"

THE CONSTITUTION (DISTRIBUTION OF REVENUES) No 7 ORDER, 2006

In exercise of the powers conferred by clause (2) of article 275 of the Constitution, the President, after having considered the recommendations of the Twelfth Finance Commission, hereby makes the following Order, namely:

1. This Order may be called the Constitution (Distribution of Revenues) No. 7 Order, 2006.

2. The General clauses Act, 1897 (10 of 1897), shall apply for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. (1) In accordance with the provisions of clause (1) of article 275, there shall be charged on the consolidated Fund of India, in the financial year commencing on the 1st day of April, 2005, as grants-in-aid of the revenues of each of the State specified in column (1) of the Table below, the sums specified against it in column (2) of the said Table, towards expenditure on maintenance of forests, namely:

TABLE

State	Rupees in lakhs
Andhra Pradesh	650
Arunachal Pradesh	2000
Assam	800
Bihar	100
Chhattisgarh	1700
Goa	60
Gujarat	400
Haryana	40
Himachal Pradesh	400
Jammu and Kashmir	600
Jharkhand	300
Karnataka	1100
Kerala	500
Madhya Pradesh	2300
Maharashtra	700
Manipur	600
Meghalaya	300
Mizoram	500
Nagaland	500
Orissa	1500
Punjab	40
Rajasthan	500
Sikkim	160
Tamil Nadu	600
Tripura	150
Uttar Pradesh	400
Uttaranchal	700
West Bengal	300

(2) Any sum or sums payable under sub-paragraph (1) shall be in addition to any sum or sums payable to the States under each of the provisos to clause (1) of article 275.

A.P.J ABDULKALAM
President.
[F.No. 19(7)/2006-L.I]
K.N. CHATURVEDI, Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ರಿಚಾರ್ಡ್ ಲೋಬೋ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 65

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 73 ಕೇನಿಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 2ನೇ ಆಗಸ್ಟ್ 2006

2006ನೇ ಸಾಲಿನ ಜನವರಿ 20ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 3 (1)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ GSR 32 (E) [Notification No.F.No. 9(2)/2003-EC] ದಿನಾಂಕ: 18.1.2006 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Information Technology)

Notification New Delhi, the 18th January, 2006

G.S.R. 32(E): In exercise of the powers conferred by Section 87 of the information Technology Act, 2000 (21 of 2000), the Central Government hereby makes the following amendments in the Information Technology (Certifying Authorities) Rules, 2000, namely:

1. (1) These rules may be called the Information Technology (Certifying Authorities) (Amendment) Rules, 2005.

(2) They shall come into force on the date of their publication in the Official GAzette.

2. They shall come into force on the date of their publication in the Official Gazette.

2. In the Information Technology (Certifying Authorities) Rules, 2000, in rule 31, for sub-rule (2), the following shall be substituted, namely:

"(2) The Certifying Authority shall conduct half yearly internal audit of the security policy, physical security, planning of its operations and the repository".

[F.No 9 (2) /2003-EC]

M. MADHAVAN NAMBIAR, Addl. Secy

Note: The Principal rules were published vide number G.S.R. 789 (E), dated the 17th October, 2000 and was last amended vide number G.S.R. 245 (E), dated the 21st April, 2005.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಪಿ.ಆರ್. 66

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 30 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 7ನೇ ಆಗಸ್ಟ್ 2006

2006ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 23ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Chartered Accountants (Amendment) Act, 2006 (Act No. 9 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE CHARTERED ACCOUNTANTS (AMENDMENT) ACT, 2006

As

Act

further to amend he Chartered Accountants Act, 1949

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Chartered Accountants (Amendment) Act, 2006.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint;

Provided that different dates may be Appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

2. Amendment of section 2.- In the Chartered Accountants Act, 1949 (38 of 1949) (hereinafter referred to as the principal Act), in section 2,-

(I) in sub-section (I),-

(i) after clause (a), the following clauses shall be inserted, namely:-

'(aa) authority" means the Appellate Authority constituted under section 22A;

(aaa) "Board" means the Quality Review Board cnstituted under section 28A;';

(ii) after clause (e), the following clause shall be inserted, namely:-

(ea) "notification" means a notification published in the Official Gazette;';

(iii) after clause (h), the following clauses shall be inserted, namely:-

'(ha) "specified" means specified by rules made by the Central Government under this Act;

(hb) "Tribunal" means a Tribunal established under sub-section (1) of section 10B;

(II) in sub-section (2), in the Explanation, for the words "training of articled clerks", the words "training of articled assistants" shall be substituted.

3. Amendment of section 4.- In section 4 of the principal Act, for sub-section (3), the following sub-section shall be subtituted, namely:-

"(3) Every person belonging to any of the classes mentioned in clauses (ii), (iii), (iv), (v) and (vi) of sub-section (1) shall have his name entered in the Register on application being made and granded in the prescribed manner and on payment of such fees, as may be determined, by notification, by the Council, which shall not exceed rupees three thousand:

Provided that the Council may, with the prior approval of the Central Government, determine the fee exceeding rupes three thousand, which shal not in any case exceed rupees six thousand.".

4. Amendment of section 5.- In section 5 of the principal Act, for sub-section (3), the following sub-section shall be sustituted, namely:-

"(3) A member, being an associate who has been in continuous practice in India for at least five years, whether before or after the commencement of this Act, or whether partly before and partly after the commencement of this Act, and a member who has been an associate for a continuous period of not less than five years and who posesses such qualification as the Council may prescribe with a view to ensuring that he has experience equivalent to the experience normally acquired as a result of continuous practice for a period of five years as a chartered accountant shall, on payment of such fees, as may be determined by notification, by the Council, which shall not exceed rupees five thousand and on application made and granted in the prescribed manner, be entered in the Register as a fellow of the Institute and shall be entitled to use the letters F.C.A. after his name to indicate that he is a fellow of the Institute of Chartered Accountants:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees five thousand, which shall not in any case exceed rupees ten thousand.".

5. Amendment of section 6.- In section 6 of the principal Act,-

(i) for sub-section (2), the following sub-section shall be subtituted, namely:-

"(2) Every such member shall pay such annual fee for his certificate as may be determined, by notification, by the Council, which shall not exceed rupees three thousand, and such fee shall be payable on or before the 1st day of April in each year:

Provided that the Council may with the prior approval of the Central Government, determine the fee exeeding rupees three thousand, which shall not in any case exceed rupees six thousand.";

(ii) after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) The certificate of practice obtained under sub-section (1) may be cancelled by the Council under such circumstances as may be prescribed.".

6. Amendment of section 9.- In section 9 of the principal Act,-

(i) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) The Council shall be composed of the following persons, namely:-

(a) not more than thirty-two persons elected by the members of the Institute from amongst the fellows of the Institute chosen in such manner and from such regional constituencies as may be specified:

Provided that a fellow of the Institute, who has been found guilty of any professional or other misconduct and whose name is removed from the Register or has been warded penaly of fine, shall not be eligible to contest the election,-

(i) in case of misconduct falling under the First Schedule of this Act, for a period of three years;

(ii) in case of misconduct falling under the Second Schedule of this Act, for a period of six years, from the completion of the period of removal of name from the Register or payment of fine, as the case may be;

(b) not more than eight persons to be nominated in the specified manner, by the Central Government.";

(ii) after sub-section (2), the following sub-sections shall be inserted, namely:-

"(3) No person holding a post under the Central Government or a State Government shall be eligible for election to the Council under clause (a) of sub-section (2).

(4) No person who has been auditor of the Institute shall be eligible for election to the Council under clause (a) of sub-section (2), for a period of three years after he ceases to be an auditor.".

7. Substitution of new section for section 10.- For section 10 of the principal Act, the following section shall be substituted, namely:-

"10. Re-election or re-nomination to Council.- A member of the Council, elected or nominated under sub-section (2) of section 9, shall be eligible for re-election or, as the case may be, re-nomination:

Provided that no member shall hold the office for more than three consecutive terms:

Provided further that a member of the Council, who is or has been elected as President under sub-section (1) of section 12, shall not be eligible for election or nomination as a member of the Council.".

8. Insertion of new sections 10A and 10B.- After section 10 of the principal Act, the following sections shall be inserted, namely:-

"10A. Settlement of dispute regarding election.- In case of any dispute regarding any election under clause (a) of sub-section (2) of section 9, the aggrieved person may make an application within thirty days from the date of declaration of the result of election to the Secretary of the Institute, who shall forward the same to the Central Government.

10B. Establishment of Tribunal.- (1) On receipt of any application under section 10A, the Central Government shall, by notification, establish a Tribunal consisting of a Presiding Officer and two other Members to decide such dispute and the decision of such Tribunal shall be final.

(2) A person shall not be qualified for appointment,-

(a) as a Presiding Officer of the Tribunal unless he has been a member of the Indian Legal Service and has held a post in Grade I of the service for at least three years;

(b) as a Member unless he has been a member of the Council for at least one full term and who is not a sitting member of the council or who has not been a candidate in the election under dispute; or

(c) as a Member unless he holds the post of a Joint Secretary to the Government of India or any other post under the Central Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India.

(3) The terms and conditions of service of the Presiding Officer and Members of the Tribunal, their place of meetings and allowances shall be such as may be specified.

(4) The expenses of the Tribunal shall be borne by the Council.".

9. Amendment of section 12.- In section 12 of the principal Act,-

(i) in sub-section (3), after the words "he shall be eligible for re-relection", the words, brackets and figure "under sub-section (1)" shall be inserted;

(ii) in sub-section (4),-

(a) for the word "President" occurring at both the places, the words "President and the Vice-President" shall be substituted;

(b) for the words "charge of his duties", the words "charge of their duties" shall be substituted.

10. Amendment of section 13.- In section 13 of the principal Act,-

(i) in sub-section (2), after the words "meetings of the Council", the words "or he has been found guilty of any professional or other misconduct and awarded penalty of fine," shall be inserted;

(ii) in the proviso to sub-section (3), for the words "six months", the words "one year" shall be substituted.

11. Substitution of new section for section 15.- For section 15 of the principal Act, the following section shall be substituted, namely:-

"15. Functions of Council.- (1) The Institute shall function under the overall control, guidance and supervision of the Council and the duty of carrying out the provisions of this Act shall be vested in the Council.

(2) In particular, and without prejudice to the generality of the foregoing powers, the duties of the Council shall include-

(a) to approve academic courses and their contents;

(b) the examination of candidates for enrolment and the prescribing of fees therefor;

(c) the regulation of the engagement and trainng of articled and audit assistants;

(d) the prescribing of qualifications for entry in the Register;

(e) the recognition of foreign qualifications and training for the purposes of enrolment;

(f) the granting or refusal of certificates of practice under this Act;

(g) the maintenance and publication of a Register of persons qualified to practice as chartered accoutants;

(h) the levy and collection of fees from members, examinees and other persons;

(i) subject to the orders of the appropriate authorities under the Act, the removal of names from the Register and the restoration to the Register of names which have been removed;

(j) the regulation and maintenance of the status and standard of professional qualifications of members of the Institute;

(k) the carrying out, by granting financial assistance to persons other than members of the Council or in any other manner, of research in accountancy;

(l) the maintenance of a library and publication of books and periodicals relating to accountancy;

(m) to enable functioning of the Director (Discipline), the Board of Discipline, the Disciplinary Committee and the Appellate Authority constituted under the provisions of this Act;

(n) to enable functioning of the Quality Review Board;

(o) consideration of the recommendations of the Quality Review Board made under clause (a) of section 28B and the details of action taken thereon in its annual report; and

(p) to ensure the functioning of the Institute in accordance with the provisions of this Act and in performance of other statutory duties as may be entrusted to the Institute from time to time.".

12. Insertion of new section 15A.- After section 15 of the principal Act, the following section shall be inserted, namely:-

"15A. Imparting education by Universities and other bodies.- (1) Subject to the provisions of this Act, any University established by law or any body affiliated to the Institute, may impart education on the subjects covered by the academic courses of the Institute.

(2) The Universities or bodies referred to in sub-section (1) shall, while awarding degree, diploma or certificate or bestowing any designation, ensure that the award or designation do not resemble or is not identical to one awarded by the Institute.

(3) Nothing contained in this section shall enanble a University or a body to adopt a name or nomenclature which is in any way similar to that of the Institute.".

13. Substitution of new section for section 16.- For section 16 of the principal Act, the following section shall be substituted, namely:-

"16. Officers and employees, salary, allowances, etc.- (1) For the efficient performance of its duties, the Council shall-

(a) appoint a Secretary to perform such duties as may be prescribed;

(b) appoint a Director (Discipline) to perform such functions as are assigned to him under this Act and the rules and regulations framed thereunder.

(2) The Council may also-

(a) appoint such other officers and employees as it considers necessary;

(b) require and take from the Secretary or from any other officer or employee such security for the due performance of his duties, as the Council considers necessary;

(c) prescribe the salaries, fees, allowances of the officers and employees and their terms and conditions of services;

(d) with the previous sanction of the Central Government, fix the allowances of the President, Vice-President and other members of the Council and members of its Committees.

(3) The Secretary of the Council shall be entitled to participate in the meetings of the Council but shall not be entitled to vote thereat.".

14. Amendment of section 17.- In section 17 of the principal Act,-

(a) in sub-section (1), for clause (iii), the following clause shall be substituted, namely:-

"(iii) a Finance Committee.";

(b) for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:-

"(2) The Council may also form such other committees from amongst its members as it consider necessary for the purpose of carrying out the provisions of this Act, and any Committee so formed may, with the sanction of the Council, co-opt such other members of the Institute not exceeding one-third of the members of the committee as it thinks fit, and any member so co-optd shall be entitled to exercise all the rights of a member of the committee.

(3) Each of the Standing Committees shall consist of the President and the Vce-President ex officio, and minimum of three and maximum of five members to be elected by the Council from amongst its members.".

15. Amendment of section 18.- In section 18 of the principal Act,-

(i) for sub-sections (3), (4) and (5), the following sub-sections shall be substituted, namely:-

"(3) The Council shall keep proper accounts of the fund distinguishing capital from revenue in the manner prescribed.

(4) The Council shall prepare in the manner prescribed and approve, prior to the start of the financial year, an annual financial statement (the budget) indicating all its anticipated revenues as well as all proposed expenditures for the forth coming year.

(5) The annual accounts of the Council shall be prepared in such manner as may be prescribed and be subject to audit by a chartered accountant in practice to be appointed annually by the Council:

Provided that no member of the Council or a person who has been a member of the Council during the last four years or a person who is in partnership with such member shall be eligible for appointment as an auditor under this sub-section:

Provided further that, in the event it is brought to the notice of the Council that the accounts of the Council do not represent a true and fair view of its finances, then, the Council may itself cause a special audit to be conducted:

Provided also that, if such information, that the accounts of the Council do not represent a true and fair view of its finances, is sent to the Council by the Central Government, then, the Council may, wherever appropriate cause a special audit or take such other action as it considers necessary and shall furnish an action taken report on it to the Central Government.";

(ii) after sub-section (5), the following sub-sections shall be inserted, namely:-

"(5A) As soon as may be practicable at the end of each year, the Council shall circulate the audited accounts to its members at least fifteen days in advance and consider and approve these accounts in a special meeting convened for the purpose.

(5B) The Council shall cause to be published in the Gazette of India not later than the 30th day of September of the year next following, a copy of the audited accounts and the Report of the Council for that year duly approved by the Council and copies of the said accounts and Report shall be forwarded to the Central Government and to all the members of the Institute.".

16. Amendment of section 19.- In section 19 of the principal Act,-

(i) in sub-section (3), the words "on payment of such amount as may be prescribed" shall be inserted at the end;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:-

"(4) Every member of the Institute shall, on his name being entered in the Register, pay such annual membership fee as may be determined, by notification, by the Council, which shall not exceed rupees five thousand:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees five thousand, which shall not in any case exceed rupees ten thousand.".

17. Amendment of section 20.- In section 20 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) If the name of any member has been removed from the Register under clause (c) of sub-section (1), on receipt of an application, his name may be entered again in the Register on payment of the arrears of annual fee and entrance fee along with such additional fee, as may be determined, by notification, by the Council which shall not exceed rupees two thousand:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees two thousand, which shall not in any case exceed rupees four thousand.".

18. Substitution of new section for section 21.- For section 21 of the principal Act, the following section shall be substituted, namely:-

"21. Disciplinary Directorate.- (1) The Council shall, by notification, establish a Disciplinary Directorate headed by an officer of the Institute designated as Director (Discipline) and such other employees for making investigations in respect of any information or complaint received by it.

(2) On receipt of any information or complaint along with the prescribed fee, the Director (Discipline) shall arrive at a prima facie opinion on the occurrence of the alleged misconduct.

(3) Where the Director (Discipline) is of the opinion that a member is guilty of any professional or other misconduct mentioned in the First Schedule, he shall lace the matter before the Board of Discipline and here the Director (Discipline) is of the opinion that a member is guilty of any professional or other misconduct mentioned in the Second Schedule or in both the Schedules, he shall place the matter before the Dsciplinary Committee.

(4) In order to make investigations under the provisions of this Act, the Disciplinary Diretorate shall follow such procedure as may be specified.

(5) Where a compainant withdraws the complaint, the Director (Discipline) shall place such withdrawal before the Board of Discipline or, as the case may be, the Disciplinry Committee, and the said Board or Committee may, if it is of the view that the circumstaces so warrant, permit the withdrawal at any stage.".

19. Insertion of new sections 21A, 21B, 21C and 21D.- After section 21 of the principal Act, the following sections shall be inserted, namely:-

'21A. Board of Discipline.- (1) The Council shall constitute a Board of Discipline consisting of-

(a) a person with experience in law and having knowledge of disciplinary matters and the profession, to be its residing officer;

(b) two member one of whom shall be a member of the Council elected by the Council and the other member shall be nominated by the Central Government from amongst the persons of eminence having experience in the field of law, economics, business, finance or accountancy;

(c) the Director (Discipline) shall function as the Secretary of the Board.

(2) The Board of Discipline shall follow summary disposal procedure in dealing wih all cases before it.

(3) Where the Board of Discipline is of the opinion that a member is guilty of a professional or other misconduct mentioned in the First Schedule, it shall afford to the member an oppotunity of being heard before making any order gainst him and may thereafter take any one or more of the following actions, namely:-

(a) reprimand the member;

(b) remove the name of the member from the Register up to a period of three months;

(c) impose such fine as it may think fit, which may extend to rupees one lakh.

(4) The Director (Discipline) shall submit before the Board of Discipline all information and complaints where he is of the opinion that there is no prima facie case and the Board of Discipline may, if it agrees with the opinion of the Director (Discipline), close the matter or in case of disagreement, may advise the Director (Discipline) to further investigate the matter.

21B. Disciplinary Committee.- (1) The Council shall Constitute a Disciplinary Committee consisting of the President or the Vice-President of the Council as the residing Officer and two members to be elected from amongst the members of the Council and two members to be nominated by the Central Government from amongst the persons of eminence having experience in the field of law, economics, business, finance or accountancy:

Provided that the Council may constitute more Disciplinary Committees as and when it considers necessary.

(2) The Disciplinary Committee, while considering the cases placed befre it shall follow such procedure as may be specified.

(3) Where the Disciplinary Committe is of the opinion that a member is guilty of a professional or other misconduct mentioned n the Second Schedule or both the First Schedule and the Second Schedule, it shall afford to the member an opportunity of being heard before making any order against him and may thereafter take any one or more of the following actions, namely:-

(a) reprimand the member;

(b) remove the name of the member from the Register permanently or for such period, as it thinks fit:

(c) impose such fine as it may think fit, which may extend to rupees five lakhs.

(4) The allowances payable to the members nominated by the central Government shall be such as may be specified.

21C. Authority Disciplinary Committee, Board of Discipline and Director (Discipline) to have powers of Civil Court.- For the purposes of an inquiry under the provisions of this Act, the Authority, the Disciplinary Committee, Board of Discipline and the Director (Discipline) shall have the sames powers as are vested in a civil court under the Code of Civil Procedure, 1908, (5 of 1908) in respect of the following matters namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) the discovery and production of any document; and

(c) receiving evidence on affidavit.

Explanation.- For the purposes of section 21, 21A, 21B, 21C and 22, "member of the Intitute" includes a person who was a member of the Institute on the date of the alleged misconduct although he has ceased to be a member of the Institute at the time of the inquiry.

21D. Transitional provisions.- All complaints pending before the Council or any inquiry initiated by the Disciplinary Committee or any reference or appeal made to a High Court prior to the commencement of the Chartered Accountants (Amendment) Act, 2006, shall continue to be governed by the provisions of this Act, as if this Act had not been amended by the Chartered Accoutants (Amendment) Act, 2006.'.

20. Substitution of new section for section 22.- For section 22 of the principal Act, the following section shall be substituted, namely:-

'22. Professional or other misconduct defined.- For the purposes of this Act, the expression "professional or other misconduct" shall be deemed to include any act or omission provided in any of the Schedules, but nothing in this section shall be construed to limit or abridge in any way the power conferred or duty cast on the Director (Discipline) under sub-section (1) of section 21 to inquire into the conduct of any member of the Institute under any other circumstances.'.

21. Substitution of new sections for section 22A.- For Section 22A of the principal Act, the following sections shall be subtituted, namely:-

"22A. Constitution of Appellate Authority.- (1) The Central Government shall, by notification, constitute an Appellate Authority consisting of-

(a) a person who is or has been a judge of a High Court, to be its Chairperson;

(b) two members to be appointed from amongst the persons who have been members of the Council for at least one full term and who is not a sitting member of the Council;

(c) two members to be nominated by the Central Government from amongst persons having knowledge and practical experience in the field of law, economics, business, finance or accountancy.

(2) The Chairperson and other members shall be part-time members.

22B. Term of office of Chairperson and members of Authority.- (1) A person appointed as the Chairperson shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

(2) A person appointed as a member shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of sixty-two years, whichever is earlier.

22C. Allowances and conditions of service of Chairperson and members of Authority.- The allowances payable to, and other terms and conditions of service of, the Chairperson and members and the manner of meeting expenditure of the Authority by the Council and such other authorities shall be such as may be specified.

22D. Procedure to be regulated by Authority.- (1) The office of the Authority shall be at Delhi.

(2) The Authority shall regulate its own procedure.

(3) All orders and decisions of the Authority shall be authenticated by an officer duly authorised by the Chairperson in this behalf.

22E. Officers and other staff of Authority.- (1) The Council shall make available to the Authority such officers and other staff members as may be necessary for the efficient performance of the functions of the Authority.

(2) The salaries and allowances and conditions of service of the officers and other staff members of the Authority shall be such as may be prescribed.

22F. Resignation and removal of Chairperson and members.- (1) The Chairperson or a member may, by notice in writing under his hand ddressed to the Central Government, resign his office:

Provided that the Chairperson or a member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of term of office, whichever is earlier.

(2) The Chairperson or a member shall not be removed from his office except by an order of the Central Government on the ground of proved misbehaviour or incapacity after an inquiry made by such person as the Central Government may appoint for this purpose in which the Chairperson or a member concerned has been informed of the charges against him and given a reasonable opportunity of being heard in respect of such charges.

22G. Appeal to Authority.- (1) Any member of the Institute aggrieved by any order of the Board of Discipline or the Disciplinary Committee imposing on him any of the penalties referred to in sub-section

(3) of section 21A and sub-section (3) of section 21B, may within ninety days from the date on which the order is communicated to him, prefer an appeal to the Authority:

Provided that the Director (Discipline) may also appeal against the decision of the Board of Discipline or the Disciplinary Committee to the Authority, if so authorised by the Council, within ninety days:

Provided further that the Authority may entertain any such appeal after the expiry of the said period of ninety days, if it is satisfied that there was sufficient cause for not filing the appeal in time.

(2) The Authority may, after calling for the records of any case, revise any order made by the Board of Discipline or the Disciplinary committee under sub-section (3) of section 21A and sub-section (3) of section 21B and may-

(a) confirm, modify or set side the order;

(b) impose any penalty or set aside, reduce, or enhance the penalty imposed by the order;

(c) remit the case to the Board of Discipline or Disciplinary Committee for such further enquiry as the Authority considers proper in the circumstances of the case; or

(d) pass such other order as the Authority thinks fit:

Provided that the Authority shall give an opportunity of being heard to the arties concerned before passing any order.".

22. Amendment of section 24A.- In section 24A of the principal Act, sub-section (3) shall be omitted.

23. Amendment of section 26.- In section 26 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) Any person who contravenes the provisions of sub-section (1) shall, without prejudice to any other proceedings, which may be taken against him, be punishable on first conviction with a fine not less than five thousand rupees but which may extend to one lakh rupees, and in the event of a second or subsequent conviction with imprisonment for a term which may extend to one year or with fine not less ten thousand rupees but which may extend to two lakh rupees or with both.".

24. Insertion of new Chapter VIIA.- After Chapter VII of the principal Act, the following Chapter shall be inserted, namely:-

"CHAPTER IIA

QUALITY REVIEW BOARD

28A. Establishment of Quality Review Board.- (1) The Central Government shall, by notification, constitute a Quality Revew Board consisting of a Chairperson and ten other members.

(2) The Chairperson and members of the Board shall be appointed from amongst the persons of eminence having experience in the field of law, economics, business, finance or accountancy.

(3) Five members of the Board shall be nominated by the Council and other five members shall be nominated by the Central Government.

28B. Functions of Board.- The Board shall perform the following functions, namely:-

(a) to make recommendations to the Council with regard to the quality of services provided by the members of the Institute;

(b) to review the quality of services provided by the members of the Institute including audit services; and

(c) to guide the members of the Institute to improve the quality of services and adherence to the various statutory and other regulatory requirements.

28C. Procedure of Board.- The Board shall meet at such time and place and follow in its meetings such procedure as may be specified.

28D. Terms and conditions of services of Chairperson and members of Board and its expenditure.- (1) The terms and conditions of service of the Chairperson and the members of the Board, and their allowances shall be such as may be specified.

(2) The expenditure of the Board shall be borne by the Council.".

25. Insertion new section 29A.- After section 29 of the principal Act, the following section shall be inserted, namely:-

"29A. Power of Central Government to make rules.- (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters namely:-

(a) the manner of election and nomination in respect of members to the Council under sub-section (2) of section 9;

(b) the terms and conditions of service of the Presiding Officer and Members of the Tribunal, place of meetings and allowances to be paid to them under sub-section (3) of section 10B;

(c) the procedure of investigation under sub-section (4) of section 21;

(d) the procedure while considering the cases by the Disciplinary Committee under sub-section (2), and the fixation of allowances of the nominated members under sub-section (4) of section 21B.

(e) the allowance and terms and conditions of service of the Chairperson and members of the Authority and the manner of meeting expenditure by the Council under section 22C;

(f) the procedure to be followed by the Board in its meetings under section 28C; and

(g) the terms and conditions of service of the Chairperson and mebers of the Board under sub-section (1) of section 28D.".

26. Amendment of section 30.- In section 30 of the principal Act,-

(a) in sub-section (1), the words "and a copy of such regulations shall be sent to each member of the Institute" shall be omitted.

(b) in sub-section (2),-

(i) in clause (g), the words "the Council and" shall be omitted;

(ii) in clause (j), for the words "clerks" occuring at both the places, the word "assistant" shall be substituted;

(iii)in clause (r), the word "and" shall be inserted at the end;

(iv) clause (s), shall be omitted.

27. Substitution of new section for section 30B.- For section 30B of the principal Act, the following section shall be substituted, namely:-

"30B. Rules, regulations and notifications to be laid before Parliament.- Every rule and every regulation made and every notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, befre the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, regulation or notification, or both Houses agree that the rule, regulation or notification should not be made or issued, the rule, regulation or notification, shall hereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, regulation or notification.".

28. Insertion of new sections 30C, 30D and 30E.- After section 30B of the principal Act, the following sections shall be inserted namely:-

"30C. Power of Central Government to issue directions.- (1) In the event of non-compliance by the Council of any provisions of this Act, the Central Government may give to the Council such general or special directions as it considers necessary to ensure compliance and the Council shall, in the discharge of its functions under this Act, comply with such directions.

(2) If, in the opinion of the Central Government, the Council has persistently made default in giving effect to the directions issued under sub-section (1), it may after giving an opportunity of being heard to the Council, by notification, dissolve the Council, whereafter a new Council hall be constituted in accordance with the provisions of this Act with effect from such date as may be decided by the Central Government:

Provided that the Central Government shall ensure constitution of a new Council in accodance with the provisions of this Act within a period of one year from the date of its dissolution.

(3) Where the Central Government has issued a notification under sub-section (2) dissolving the Council, it shall, pending the constitution of a new Council in accordance with the provisions of this Act, nominate any person or body of persons not exceeding five member to manage the affairs and discharge all or any of the functions of the Council under this Act.

30D. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against the Central Government or the Council or the Authority or the Disciplinary Committee or the Tribunal or the Board or the Board of Discipline or the Disciplinary Directorate or any officer of that Government, Council, Authority, Disciplinary Committee, Tribunal, Board, Board of Discipline or the Disciplinary Directorate, for anything which is in good faith done or intended to be done under this Act or any rule, regulation, notification, direction or order made thereunder.

30E. Members, etc., to be public servants.- The Chairperson, Presiding Officer, member and other officers and employees of the Authority, Disciplinary Committe, Tribunal, Board, Board of Discipline or the Disciplinary Directorate shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.".

29. Substitution of new Schedules for First Schedule and Second Schedule.- For the First Schedule and the Second Schedule to the principal Act, the following Schdules shall be substituted, namely:-

'THE FIRST SCHEDULE

[See section 21 (3), 21A(3) and 22]

PART I

Professional misconduct in relation to chartered accountants in practice

A chartered accountant in practice shall be deemed o be guilty of professional misconduct, if he-

(1) allows any person to practice in his name as a chartered accountant unless such person is also a charterd Accountant in practice and is in partnership with or employed by him;

(2) pays or allows or agrees to pay or allow, directly or indirectly, any share, commission or brokerage in the fees or profits of his professional business, to any person other than a member of the Institute or a partner or a retired partner or the legal representative of a deceased partner, or a member of any other professional body or with such other persons having such qualifications as may be prescribed, for the purpose of rendering such professional services from time to time in or outside India.

Explanation.- In this item, "partner" includes a person residing outside India with whom a chartered accountant in practice has entered into partnership which is not in contravention of item (4) of this Part;

(3) accepts or agrees to accept any part of the profits of the professional work of a person who is not a member of the Institute:

Provided that nothing herein contained shall be construed as prohibiting a member from entering into profit sharing or other similar arrangements, including receiving any share commission or brokerage in the fees, with a member of such professional body or other person having qualification, as is referred to in item (2) of this Part;

(4) enters into partership, in or outside India, with any person other than a chartered Accountant in practice or such other person who is a member of any other professional body having such qualifications as may be prescribed, including a resident who but for his residence abroad would be

entitled to be registered as a member under clause (v) of sub-section (1) of section 4 or whose qualifications are recognised by the Central Government or the Council for the purpose of permitting such partnerships;

(5) secures, either through the services of a person who is not an employee of such chartered accountant or who is not his partner or by means which are not open to a chartered accountant, any professional business:

Provided that nothing herein contained shall be construed as prohibiting any arrangement permitted in term of items (2), (3) and (4) of this Part;

(6) solicits clients or professional work either directly or indirectly by circular, advertisement, personal communication or interview or by any other means;

Provided that nothing herein contained shall be construed as preventing or prohibiting-

(i) any chartered accountant rom applying or reqesting for or inviting or securing professional work from another chartered accountant in practice; or

(ii) a member from responding to tenders or enquiries issued by various users of professional services or organisations from time to time and securing professional work as a consequence;

(7) advertises his professional attainments or services, or uses any designation or expressions other than chartered accountant on professional documents, visiting cards, letter heads or sign boards, unless it be a degree of a University established by law in India or recognised by the Central Government or a title indicating membership of the Institute of Chartered Accountants of India or of any other institution that has been recognised by the Central Government or may be recognised by the Council;

Provided that a member in practice may advertise through a write up, setting out the services provided by him or his firm and particulars of his firm subject to such guidelines as may be issued by the Council;

(8) accepts a position as auditor previously held by another chartered accountant or a certified auditor who has been issued certificate under the Restricted Certificate Rules, 1932 without first communicating with him in writing;

(9) accepts an appointment as auditor of a company without first ascertainng from it whether the requirements of section 225 of the Companies Act, 1956 in respect of such appointment have been duly complied with;

(10) charges or offers to charge, accepts or offers to accept in respct of any professional employment, fees which are based on a perentage of profits or which are contingent upon he findings, or result of such employment, except as permitted under any regulation made under this Act;

(11) engages in any business or occupation other than the profession of chartered accountant unless permitted by the Council so to engage;

Provided that nothing contained herein shall disentitle a charatered accountant from being a director of a company (not being a managing director or a wholetime director) unless he or any of his partners is interested in such company as an auditor;

(12) allows a persons not being a member of the Institute in practice, or a member not being his partner to sign on his behalf or on behalf of his firm, any balance-sheet, profit and loss account, report or financial statements.

PART II

Professional misconduct in relation to members of the Institute in service

A member of the Institute (other than a member in practice) shall be deemed to be guilty of professional misconduct, if he being an employee of any company, firm or person-

(1) pays or allows or agrees to pay directly or indirectly to any person any share in the emoluments of the employment undertaken by him;

(2) accepts or agrees to accept any parts of fees, profits or gains from a lawyer, a chartered accountant or broker engaged by such company, firm or person or agent or customer of such company, firm of person by way of commission or gratification.

PART III

Professional misconduct in relation to member of the Institute generally

A member of the Institute, whether n practice or not, shall be deemed to be guilty of professional misconduct, if he-

(1) not being a fellow of the Institute, acts as a fellow of the Institute;

(2) does not supply the information called for, or does not comply with the requirement asked for, by the Intitute, Council or any of its Committees, Director (Discipline), Board of Discipline, Disciplinry Committee, Quality Review Board or the Appellate Authority;

(3) while inviting professional work from another chartered accountant or while responding to tenders or enquiries or while advertising through a write up or anything as provided for in items (6) and (7) of part I of this Schedule, gives information knowing it to be false.

PART IV

Other misconduct in relation to members of the Institute generally

A member of the Institute, whether in pratice or not, shall be deemed to be guilty of other misconduct, if he-

(1) is held guilty by any civil or criminal court for an offence which is punishable with imprisonment for a term not exceeding six months;

(2) in the opinion of the Council, brings disrepute to the profession or the Institute as a result of his action whether or not related to his professional work.

THE SECOND SCHEDULE

[See sections 21 (3), 21B (3) and 22]

PART I

Professional misconduct in relation to chartered accoutants in practice

A chartered accountant in practice shall be deemed to be guilty of professional misconduct, if he-

(1) discloses information acquired in the course of his professional engagement to any person other than his client so engaging him, without the consent of his client or otherwise than as required by any law for the time being in force;

(2) certifies or submits in his name, or in the name of his firm, a report of an exmination of financial statements unless the examination of such statements and the related records has been made by him or by a partner or an employee in his firm or by another chartered accountant in practice;

(3) permits his name or the name of his firm to be used in connection with an estimate of earnings contingent upon future transactions in a manner which may lead to the belief that he vouches for the accuracy of the forecast;

(4) expresses his opinion on financial statements of any business or enterprise in which he, his firm, or a partner in his firm has a substantial interest;

(5) fails to disclose a material fact known to him which is not disclosed in a financial statement, but disclosure of which is necessary in making such financial statement where he is concerned with that financial statement in a professional capacity;

(6) fails to report a material misstatement known to him to appear in a financial statement wih which he is concerned in a professional capacity.

(7) does not exercise due diligence, or is grossly negligent in the conduct of his professional duties;

(8) fails to obtain sufficient information which is necessary for expression of an opinion or its exceptions are sufficiently material to negate the expression of an opinion;

(9) fails to invite attention to any material departure from the generaly accepted procedure of audit applicable to the circumstances;

(10) fails to keep moneys of his client other than fees or remuneration or money meant to be expended in a separate banking account or to use such moneys for purposes for which they are intended within a reasonable time.

PART II

Professional misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he-

(1) contravenes any of the provisions of this Act or the regulations made thereunder or any guidelines issued by the Council;

(2) being an emloyee of any company, firm or person, discloses confidential information acquired in the course of his employment except as and when required by any law for the time being in force or exept as permitted by the employer;

(3) includes in any information, statement, return or form to be submitted to the Institute, Council or any of its Committees, Director (Discipline), Board of Discipline, Disciplinary Committee, Quality Review Board or the Appellate Authority any particulars knowing them to be false;

(4) defalcates or embezzles moneys received in his professional capacity.

PART III

Other misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of other misconduct, if he is held guilty by any civil or criminal court for an offence which is punishable with imprisonment for a term exceeding six months.'.

The above Bill has been passed by the Houses of Parliament.

Dated the Speaker

I assent to this Bill

Dated the President

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

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ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 33 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 7ನೇ ಆಗಸ್ಟ್ 2006

2006ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 29ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The National Commission for Minority Educational Institutions (Amendment) Act, 2006 (Act No. 18 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS (AMENDMENT) ACT, 2006

As

Act

to amend the National Commission for Minority Educational Institutions Act, 2004.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the National Commission for MInority Educational Institutions (Amendment) Act, 2006.

(2) It shall be deemed to have come into force on the 23rd day of January, 2006.

2. Amendment of section 2.- In section 2 of the National Commission for Minority Educational Institutions Act, 2004 (2 of 2005) (hereinafter referred to as the principal Act),-

(i) in clause (a), the word "Scheduled" shall be omitted;

(ii) after clause (a), the following clause shall be inserted, namely:-

'(aa) "appropriate Government" means,-

(i) in relation to an educational institution recognised for conducting its programmes of studies under any Act of Parliament, the Central Government; and

(ii) in relation to any other educational institution recognised for conducting its programmes of studies under any State Act, a State Government in whose jurisdiction such institution is established;';

(iii) after clause (c), the following clause shall be inserted, namely:-

'(ca) "Competent auithority" means the authority appointed by the appropriate Government to grant no objection certificate for the establishment of any educational institution of their choice by the minorities;';

(iv) after clause (d), the following clause shall be inserted, namely:-

'(da) "educational rights of minorities" means the rights of minorities to establish and administer educational institutions of their choice;';

(v) clause (j) shall be omitted.

3. Substitution of new Chapter for Chapter III.- For Chapter III of the principal Act, the following Chapter shall be substituted, namely:-

'CHAPTER III

RIGHTS OF A MINORITY EDUCATIONAL INSTITUTION

10. Right to establish a Minority Educational Institution.- (1) Any person who desires to establish a Minority Educational Institution may apply to the Competent authority for the grant of no objection certificate for the said purpose.

(2) The Competent authority shall,-

(a) on perusal of documents, affidavits or other evidence, if any; and

(b) after giving an opportunity of being heard to the applicant.

decide every application filed under sub-section (1) as expeditiously as possible and grant or reject the application, as the case may be:

Provided that where an application is rejected, the Competent authority shall communicate the same to the applicant.

(3) Where within a period of ninety days from the receipt of the application under sub-section (1) for the grant of no objection certificate,-

(a) the Competent authority does not grant such certificate; or

(b) where an application has been rejected and the same has not been communicated to the person who has applied for the grant of such certificate, it shall be deemed that the Competent authority has granted a no objection certificate to the appicant.

(4) The applicant shall, on the grant of a no objection certificate or where the Competent authority has deemed to have granted the no objection certificate, be entitled to commence and proceed with the establishment of a Minority ducational Institution in accordance with the rules and regulations, as the case may be, laid down by or under any law for the time being in force.

Explanation.- For the purposes of this section,-

(a) applicant" means any person who makes an application under sub-section (1) for establishment of a Minority Educational Institution;

(b) "no objection certificate" means a certificate stating therein, that the Competent authority has no objection for the establishment of a Minority Educational Institution.

10A. Right of a Minority Educational Institution to seek affiliation.- (1) A Minority Educational Institution may seek affiliation to any University of its choice subject to such affiliation being permissible within the Act under which the said University is established.

(2) Any person who is authorised in this behalf by the Minority Educational Institution, may file an application for affiliation under sub-section (1) to a University in the manner prescribed by the Statute, Ordinance, rules or regulations, of the Unversity:

Provided that such authorised person shall have right to know the status of such application after the expiry of sixty days from the date of filing of such application.'.

4. Amendment of section 11.- In section 11 of the principal Act, for clauses (b) and (c), the following clauses shall be substituted, namely:-

"(b) enquire, suo motu, or on a petition presented to it by any Minority Educational Institution, or any person on its behalf into complaints regarding deprivation or violation of rights of minorities to establish and administer educational institutions of their choice and any dispute relating to affiliation to a University and report its finding to the appropriate Government for its implementation;

(c) intervene in any proceeding involving any deprivation or violation of the educational rights of the minorities before a court with the leave of such court;

(d) review the safeguards provided by or under the Constitution, or any law for the time being in force, for the protection of educational rights of the minorities and recommend measures for their effective implementation;

(e) specify measures to promote and preserve the minority status and character of institutions of their choice stablished by minorities;

(f) decide all questions relating to the status of any institution as a Minority Educational Institution and declare its status as such;

(g) make recommendations to the appropriate Government for the effective, implementation of programmes and schemes relating to the Minority ducational Intitutions; and

h) do such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission.".

5. Amendment of section 12.- In section 12 of the principal Act,-

(a) in sub-section (1), the word "Scheduled" shall be omitted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, (45 of 1860) of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.". (2 of 1974)

6. Insertion of new sections 12A to 12F.- After section 12 of the principal Act, the following sections shall be inserted, namely:-

'12A. Appeal against orders of the Competent authority.- (I) Any person aggrieved by the order of refusal to grant no objection certificate under sub-section (2) of section 10 by the Competent authority for establishing a Minority Educational Institution, may prefer an appeal gainst such order to the Commission.

(2) An appeal under sub-section (I) shall be filed within thirty days from the date of the order referred to in sub-section (I) communicated to the applicant:

Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.

(4) The Commission, after hearing the parties, shall pass an order as soon as may be practicable, and give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

(5) An order made by the ommission under sub-section (4) shall be executable by the Commission as a decree of a civil court and the provisions of the Code of Civil Procedure, 1908, (5 of 1908) so far as may be, shall apply as they apply in respect of a decree of a civil court.

12B. Power of Commission to decide on the minority status of an educational institution.- (1) Without prejudice to the provisions contained in the National Minority Commission Act, 1992, (19 of 1992) where an authority stablished by the Central Government or any State Government, as the case may be, for grant of minority status to any educational institution rejects the application for the grant of such status, the aggrieved person may appeal against such order of the authority to the Commission.

(2) an appeal under sub-section (1) shall be preferred within thirty days from the date of the order communicated to the applicant:

Provided that the Commision may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.

(4) On receipt of the appeal under sub-section (3), the Commission may, after giving the parties to the appeal an opportunity of being heard and in consultation with the State Government, decide on the minority status of the educational institution and shall proceed to give such directions as it may deem fit and, all such directions shall be binding on the parties.

Explanation.- For the purposes of this section and section 12C, "authority" means any authority or officer or commission which s established under any law for the time being in force or under any order of the appropriate Government, for the purpose of granting a certificate of minority status to an educational institution.

12C. Powers to cancel.- The Commission may, after giving a reasonable opportunity of being heard to a Minority Educational Institution to which minority status has been granted by an authority or Commission, as the case may be, cancel such status under the following circumstances, namely:-

(a) if the constitution, aims and objects of the educational institution, which has enabled it to obtain minority status has subsequently been amended in such a way that it no longer reflects the purpose or chracter of a Minority educational Institution

(b) if, on verification of the records during the inspection or investigation, it is found that the Minority Educational Institution has failed to admit students belonging to the minority community in the institution as per rules and prescribed percentage governing admissions during any academic year.

12D. Power Commission to investigate matters relating to deprivation of ducational rights of minorities.- (1) The Commission shall have the power to investigate into the complaints relating to deprivation of the educational rights of minorities.

(2) The Commission may, for the purpose of conducting any investigation pertaining to a complaint under this Act, utilise the services of any officer of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be.

(3) For the purpose of investigation under sub-section (1), the officer whose services are utilised may, subject to the direction and control of the Commission,-

(a) summon and enforce the attendance of any person and examine him;

(b) require the discovery and production of any document; and

(c) requisition any public record or copy thereof from any office.

(4) The officer whose services are utilised under sub-section (2) shall investigate into any matter entrusted to it by the Commission and submit a report thereon to it within such period as may be specified by the Commission in this behalf.

(5) The Commision shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report submitted to it under sub-section (4) and for this purpose the Commission may make such further inquiry as it may think fit.

12E. Power of Commission to call for information, etc., (1) The Commission, while enquiring into the complaints of violation or deprivation of educational rights of minorities shall call for information or report from he Central Government or any State Government or any other authority or organisation subordinate thereto, within such time as may be specified by it:

Provided that,-

(a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint;

(b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required, or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complant and inform the complainant accordingly.

(2) Where the inquiry stablishes violation or deprivation of the educational rights of the minorities by a public servant, the Commission may recommend to the concerned Government or authority, the initiation of disciplinary proceedings or such other action against the concerned person or persons as may be deemed fit.

(3) The Commission shall send a copy of the inquiry report, together with its recommedations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the reports, including the action taken, or proposed to be taken thereon, to the ommission.

(4) The Commision shall publish its inquiry report and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

12F. Bar of Jurisdiction.- No court (except the Supreme Court and a High ourt exercising jurisdiction under articles 226 and 227 of the Constitution) shall entertain any suit, application or other proceedings in respect of any order made under this Chapter.'.

7. Omission of section 18.- Section 18 of the principal Act shall be omitted.

8. Amendment of section 24.- In section 24 of the principal Act, in sub-setion (2), after clause (a), the followng clause shall be inserted, namely:-

"(aa) the forms in which appeal under sub-section (3) of section 12A and sub-section (3) of section 12B hall be made;".

9. Omission of Schedule.- The Schedule to the principal Act shall be omitted.

10. Repeal of Ordinance 1 of 2006 and saving.- (1) The National Commission for MInority Educational Institutions (Amendment) Ordinance, 2006, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

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ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.